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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 10th August, 1984:—

BILL NO. 64 OF 1984

A Bill to regulate employment of child labour.

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Regulation of Employment of Child Labour Act, 1984.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) 'child' means a person who has not completed eighteen years of age;

(b) 'hazardous', in relation to an occupation or job, means any occupation or job which has a tendency to cause physical or mental harm to the health of children employed in the job.

Prohibition on employment of children in hazardous job.

3. No child shall be employed in any job which is hazardous.

Restriction of working hours.

4. No child shall be employed in any occupation for more than five hours in a day.

Payment of wages equal to wages of other workmen.

5. A child shall be entitled to same wages as are payable to othe. workmen in the concerned industry:

Provided that the take home pay of the child shall be proportionate to five hours of work.

Creation of Child Labour Welfare Fund.

6. (1) The wages for three hours a day in respect of every child labour calculated in proportion to eight hours of work a day shall be contributed by the employer to a central fund to be called the Child Labour Welfare Fund which shall be created and administered by the Central Government.

(2) For each sum of money received in the Child Labour Welfare Fund from an employer in respect of a child labour, the Central Government shall make a matching contribution.

Institutions for education and training of child labour.

7. The Child Labour Welfare Fund shall be utilised to set up institutions for general education and vocational training of all such children as are covered under this Act.

Power to make rules.

8. The Central Government may, by notification in the Official Gazette, make rules in regard to the attendance of children in the institutions set up under section 7.

STATEMENT OF OBJECTS AND REASONS

All efforts either to abolish or regulate child labour in India have so far not yielded adequate results. While, on the one hand, parents send their children to work even before they enter their teens, on the other, the employers, particularly those in the unorganised sector, tend to exploit the poverty of the people and secure the services of the children for a pittance.

The Bill seeks to regulate the employment of child labour, firstly, by defining a child as a person who has not attained eighteen years of age and, secondly, it provides for payment of a wage to a child that is equal to the wage paid in the industry to a workman, thereby providing a disincentive to the employment of child labour. Though the hours of work for a child have been reduced to five, and the child would receive a wage proportionate to the hours worked, the employer is obliged to contribute three hours' wage to a central fund to be created for the purpose of setting up of educational and vocational training institutions to provide training to the children who are employed in any sector of industry.

NEW DELHI;
June 30, 1984.

GEORGE FERNANDES

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for contribution by the Central Government to the Child Labour Welfare Fund at the rate of three hours wages payable to each of the child labour. Administration of the Fund by the Central Government will also involve some expenditure. An annual recurring expenditure of rupees ten crores is likely to be incurred from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five lakhs is also likely to be incurred from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for attendance, etc. of children in the institutions to be set up by the Central Government under clause 7 of the Bill. The matters in respect of which rules may be made will relate to administrative details only and as such the delegation of legislative power is of a normal character.

BILL NO. 58 OF 1984

A Bill to prevent misuse of religious

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Prevention of Misuse of Religious Places Act, 1984.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Prohibition on storing of arms in religious places.

2. The use of all religious places such as Gurdwaras, Mandirs, Mosques and Churches and the places belonging to or connected with such religious places for storing of arms and ammunition shall be prohibited.

Religious places not to give protection to criminals, etc.

3. The religious places shall not be used for giving protection to persons declared to be criminals or anti-national under the law.

Constitution of Committee to inspect religious places.

4. (*1*) **All religious places shall be inspected regularly by a Committee, constituted by the Central Government, consisting of representatives of various communities.**

(*2*) **The Committee shall submit its report to the Central Government once in a year and the report of the Committee shall be laid on the Table of both Houses of Parliament.**

Committee to be responsible for misuse of religious places.

5. The Committee shall be held responsible for the misuse of a religious place, if the Committee does not report about such misuse to the Central Government.

STATEMENT OF OBJECTS AND REASONS

In the recent happenings in Punjab, large number of arms and ammunition and their manufacturing units have been unearthed during the military action. These arms were stockpiled in the vicinity of Golden Temple and were being used against innocent people. There was an arms manufacturing unit in the Golden Temple. Arms were also obtained from various other countries and dumped there in the name of God. The situation was so grave that Government had no other alternative but to allow the entry of armed forces in such places. If timely action had not been taken by the Government, the whole country would have been put to danger. The misuse of religious places by extremists and criminals has shown that in the name of religion these places were used by anti-national activities. To avoid such recurrence in future, it is high time that a legislation is enacted to put a ban on dumping of arms and providing shelter to extremists and criminals in religious places.

Hence this Bill.

NEW DELHI;
June 30, 1984.

B. V. DESAI.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the constitution of a Committee, consisting of representatives of various communities, by the Central Government to inspect all religious places regularly. There will be some expenditure on travelling, etc. by the Committee. The Bill, if enacted, will therefore, involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees two lakhs per annum.

It is also likely to involve a non-recurring expenditure of about rupees fifty thousand.

BILL NO. 61 OF 1984

A Bill to consolidate and amend law relating to the grant of Pension, gratuity and dearness allowance payable by the Central Government to its employees, or their dependents, on retirement, voluntary or otherwise, or on death of the Government Servant.

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title, application and commencement.

1. (*1*) This Act may be called the Indian Pensions Act, 1984.

(*2*) It shall apply to all the employees of the Central Government but shall not apply to persons serving in All India Services or in any wing of the Armed Forces of the country or whose pensionary and other benefits are governed by a separate Act of Parliament.

(*3*) It shall come into force at once.

Defini tions.

2. In this Act, unless the context otherwise requires,—

(*a*) "dependents" means and include a wife, husband, parents, child, minor brother, unmarried sister, deceased son's widow and children and where no parent is alive, a paternal grand parent;

(*b*) "emoluments" include salary and dearness allowance and other allowances paid to an officer or servant;

(*c*) "pensioner" means and includes a person, who served the Central Government and has retired or retires voluntarily or otherwise after this Act comes into force, and is getting or hereafter becomes entitled to get a pension under this Act;

(*d*) "pension" means the emoluments being paid or hereafter become payable to a Central Government servant on retirement and includes the amount of dearness allowance, by whatever name it may be called, payable to the pensioners;

(*e*) "salary" includes monthly pay and allowances other than the dearness allowance paid to an officer or servant.

CHAPTER II

RIGHTS TO PENSION, GRATUITY AND DEARNESS ALLOWANCE

Gratuity on retirement owing to infirmity or invalidation.

3. Every officer or servant of the Central Government, who has completed five years of service, shall, on retirement owing to infirmity or invalidation, be entitled to get gratuity as hereinafter provided in section 5.

Gratuity, pension, etc. on retirement on completion of ten years of service.

4. An officer or servant of the Central Government, who retires or is retired after completion of ten years of service, shall be entitled to get gratuity, pension and dearness allowance as provided hereinafter in sections 5, 6 and 7 respectively.

Payment of gratuity.

5. An officer or servant of the Central Government, who retires in the manner indicated in sections 3 or 4 shall for every five years of service or part thereof be paid gratuity at five times the average monthly emoluments drawn by him during the last three months of that period:

Provided that the amount of gratuity payable shall in no case be less than twelve times and more than twenty times the average monthly emoluments aforesaid.

Payment of pension.

6. An officer or servant of the Central Government shall on retirement under section 4 be paid monthly pension of an amount equal to two-thirds of the salary drawn by the officer or servant concerned in the last month immediately preceding the date of his retirement, or the average salary drawn by him during the last six months preceding his retirement, whichever is more.

Payment of dearness allowance.

7. In addition to the pension payable under section 6, an officer or servant of the Central Government shall on retirement under section 4, be also paid the same dearness allowance from time to time on the amount of pension granted under section 6, as is paid to the officers or servants serving under the Central Government.

CHAPTER III

GRATUITY, PENSION AND DEARNESS ALLOWANCE PAYABLE TO DEPENDENTS

Payments to dependents in case of death while in service.

8. If an officer or servant of the Central Government dies while in service, his dependents shall be paid for a period of twelve years the same amount of gratuity, pension and dearness allowance as the officer or servant would have got on retirement under sections 3 and 4.

Payment to widow in case of death after retirement.

9. If an officer or servant of the Central Government dies after retirement, his surviving widow shall be paid, till she survives, the same amount of pension and dearness allowance as the officer or servant would have received during his life time.

Payment to dependents in case of death within fifteen years of retirement.

10. If an officer or servant of the Central Government dies within fifteen years of his retirement and has left no surviving widow, his other dependents shall be paid for the remaining period of fifteen years the same amount of pension and dearness allowance, which the officer or servant would have received had he been living.

CHAPTER IV

MISCELLANEOUS PROVISIONS

Commutation of pension.

11.(1) If a retired officer or servant of the Central Government desires to commute part of the amount of monthly pension payable to him under section 6, he shall give a written notice to this effect to the Government.

(2) On receipt of the aforesaid notice, the Central Government shall pay to the officer or servant an amount, which shall be two hundred and fifty times the amount of pension payable to him:

Provided that not more than half the amount of the monthly pension payable under section 6 of the Act shall be allowed to be commuted.

Payment of dearness allowance to pensioners who retired before commencement of this Act.

12. The officers or servants of the Central Government, who have retired before the coming into force of this Act, shall, from the date of its commencement, be paid in addition to the amounts of their monthly pension, the same amount of dearness allowance on the amount of pension drawn by them as is paid from time to time to officers or servants serving under the Government.

Application of sections to 11 to pensioners who retired before commencement of this Act.

13. The provisions of sections 8, 9, 10 and 11 shall apply to all officers or servants of the Central Government who have retired before the coming into force of this Act.

Nomination of dependents for purposes of gratuity, pensions, etc.

14. (*1*) An officer or servant of the Central Government may at any time while in service nominate any one or more of his dependents to receive after his death the gratuity, pension and dearness allowance payable under this Act and payment to such a nominee shall relieve the Government of all liabilities arising out of any claim under this Act.

(*2*) In the event of the officer or servant having failed to nominate any of his dependents as aforesaid, the Government shall cause enquiries to be made to find out if the deceased has left any dependents, and if so, shall pay to such dependent whatever is admissible under this Act.

Immunity from seizure or attachment.

15. No amount of gratuity, pension, or dearness allowance payable under this Act shall be liable to seizure or attachment by any Court.

Medical or educational facilities.

16. In addition to the amount of gratuity, pension, or dearness allowance payable under this Act, all officers or servants of the Central Government shall on retirement be given the same medical and educational facilities as are given from time to time to serving officers or servants of the Central Government.

Repeal of Act XXIII of 1871.

17. The Pensions Act, 1871, and all rules, regulations or orders under which pensions are so far being paid to Central Government officers or servants are hereby repealed from the date this Act comes into force.

STATEMENT OF OBJECTS AND REASONS

The present pension rules do not meet the genuine demand of Government pensioners. These were framed during the British times. The Government of India has revised them but still they do not provide for adequate pension, gratuity and dearness allowance to dependents. Commutation scheme also does not take into consideration the changes in expectancy of life.

Governments in Europe, America and Asia have changed pension rules and regulations many a time by appointing Commissions. The Government of India has so far not done it.

In spite of sharp rise in cost of living, the pensioners have not been paid adequate dearness allowance.

It is essential that statutory provisions should be made to regulate these matters.

Hence this Bill.

NEW DELHI;
July 4, 1984

MADHU DANDAVATE.

FINANCIAL MEMORANDUM

Clauses 5, 6, 7, 8, 9, 10., 12 and 13 of the Bill provide for payment of adequate pension, gratuity and dearness allowance to Central Government employees and their dependents. Clause 11 gives a revised procedure for commutation of pension. Clause 16 provides for medical and educational facilities for retired Central Government employees.

The actual expenditure which the Central Government would be required to incur from the Consolidated Fund of India for implementing, the provisions of this Bill cannot be correctly estimated, but it is likely to be about rupees one crore per year.

BILL NO. 59 OF 1984

A Bill to prevent the encroachments on land in the name of religion

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Removal of Encroachments on Land in the name of Religion Act, 1984. Short title, extent and commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. For the purposes of this Act, "religious place" means a gurdwara, mandir, masjid, church or any other place of worship and includes any place used or intended to be used for any religious purpose or for any purpose declared to be religious. Definition.

3. Any religious place established or constructed on any land ecquired by encroachments on public or private land or any encroachment on any public or private land in the name of religion shall be removed by the Government immediately. Religious places on encroached land to be removed.

Religious places to be constructed on land allotted by Government.

4. A religious place can be constructed only on the land allotted by the Central or the State Government, as the case may be, for the purpose.

Government may allot land for religious places.

5. The Central or the State Government, as the case may be, may allot land for construction of a religious place where it is considered by the Government to be desirable to establish a religious place.

Encroachments on land allotted for religious places to be removed.

6. Any encroachment on land, allotted by the Central or the State Government, as the case may be, under section 5, for construction of a religious place, shall be removed by the Government.

Religious places on private land to be removed.

7. Any religious place set up by a person or organisation on any land, which has not been allotted by the Government for the specific purpose of establishing a religious place, shall be removed by the Government.

STATEMENT OF OBJECTS AND REASONS

In the name of religion a number of gurdwaras, mandirs, masjids and churches have been set up in almost all parts of the country without taking any prior permission from the Government with the result that the Government could not later on demolish the same because of the religious sanctity attached to them. The people have acquired huge land in the name of religion. Although Government has been making all arrangements in the new colonies and is earmarking lands for establishment of religious places, illegal construction of such places on private land or land acquired by encroachments on public or private land has been increasing with the result that some of these places are being later on misused by the people in the name of religion. Therefore, this Bill seeks to provide for the removal of religious places constructed on encroached land. It also provides that the religious places shall be constructed only on the land allotted by the Government for that purpose and prohibits any encroachment on such land. It also prohibits establishment of such places by any person on private land.

NEW DELHI;
July 10, 1984.

B. V. DESAI

SUBHASH C. KASHYAP,
Secretary-General.

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